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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 11-0816 RS  
15 Plaintiff, )  
16 v. )  
17 JAVIER TELLEZ AYALA, )  
a/k/a Javier Ayala Telelz, )  
18 a/k/a Gilberto Villasenor Calderon, )  
19 Defendant. )  
20 \_\_\_\_\_)

**STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME UNDER 18  
U.S.C. § 3161**

21 The defendant appeared for his first status conference before this Court on November 22,  
22 2011. The parties requested a pre-plea Pre-Sentencing Report (PSR) for Mr. Ayala. The parties  
23 represented that the pre-plea PSR will aid Mr. Ayala's understanding of the potential sentence he  
24 may face in this case. The Government also anticipates providing the defendant with additional  
25 discovery. Accordingly, defense counsel will need additional time to review. The parties have  
26 agreed to exclude the period of time between November 22, 2011 to January 3, 2012, from any  
27 time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the  
28 exclusion would allow the reasonable time necessary for effective preparation of counsel. *See* 18

1 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that good cause exists, and that the ends of  
2 justice served by granting such an exclusion of time outweigh the best interests of the public and  
3 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made  
4 findings consistent with this agreement.

5 SO STIPULATED:

6 MELINDA HAAG  
7 United States Attorney

8  
9 DATED: November 23, 2011

/s/  
10 SUSAN PHAN  
Special Assistant U.S. Attorney

11  
12 DATED: November 23, 2011

/s/  
13 DANIEL BLANK  
Attorney for JAVIER TELLEZ AYALA

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~~[PROPOSED]~~ ORDER

For the reasons stated above at the November 22, 2011 status conference, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from November 22, 2011 to January 3, 2012 is warranted and that good cause exists, and the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A).

IT IS SO ORDERED.

DATED: 11/23/11

  
RICHARD SEEBORG

**RICHARD SEEBORG**  
United States District Judge